

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-------------------------------|---|---------------------|
| WARREN DAVIS, | : | CIVIL ACTION |
| | : | |
| Plaintiff, | : | |
| | : | NO. 09-1778 |
| v. | : | |
| | : | |
| DARBY BOROUGH, et al., | : | |
| | : | |
| Defendants. | : | |

ORDER

AND NOW, this 21st day of October 2009, upon consideration of Defendant Constable Michael Connor's Motion to Dismiss (Doc. #15) and Plaintiff Warren Davis's Response (Doc. #21), it is **ORDERED** that Defendant's Motion is **DENIED** without prejudice.

In addition, in light of the Stipulation of Counsel I approved on June 18, 2009 (Doc. #22), it is further **ORDERED** that the Motion to Dismiss filed by Defendants Darby Borough and Officer Matthew Rinderer (Doc. #17) is **DENIED** as moot.¹

s/Anita B. Brody

ANITA B. BRODY, J.

¹ In the Stipulation of Counsel between Davis and Defendants Darby Borough and Officer Rinderer that I approved, Davis agreed to withdraw with prejudice his claims under the Fifth, Sixth, Eighth, and Fourteenth Amendments; his claim under the Pennsylvania Constitution; his claim of punitive damages against Darby Borough and Officer Rinderer in his official capacity; and his claim of wrongful and/or false imprisonment against Darby Borough. These were all the claims Defendants Darby Borough and Officer Matthew Rinderer sought to dismiss in their Motion.

Copies **VIA ECF** on _____ to: Copies **MAILED** on _____ to: